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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,681	07/05/2001	Walter Baltensperger	01-384	2666

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EXAMINER

LAMB, BRENDA A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 11/13/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

CLO7

Office Action Summary

Application No.

09/899,681

Applicant(s)

BALTENSPERGER, WALTER

Examiner

Brenda A Lamb

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-- Th MAILING DATE of this communication appears on the cov r sh t with th correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2002 and 05 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims -1, 3, 4 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art Teaching (referred to Applicant's Admitted PAT) in view of Baker et al 3,811,405, Baker et al 3,826,224 and Staats et al.

Applicant's admitted PAT via Jepson style claim format claims that in an adhesive application station for binding stacked printed products by means of adhesive that is known that the adhesive discharge system is comprised of an application head with a slip surface and application nozzle with an outlet opening, an adhesive reservoir and means for generating a pressure for adhesive application. Applicant's admitted PAT fails to teach the following: a metering device arranged adjacent the outlet opening sealed by an actuator; and an adhesive reservoir formed as a pressure chamber and integral accumulator which is arranged proximate or near the application head with means for acting on the adhesive reservoir such that after each adhesive discharge an automatic pressure compensation is guaranteed. However, Baker et al '405 teaches an adhesive application system comprised of a valve or metering device 26 for the application head 21 and the valve or metering devices immediately adjacent to the outlet opening. Baker et al shows the adhesive reservoir is formed as a pressure chamber and integral accumulator and inside the accumulator is formed means for

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directly acting on the adhesive reservoir such that after each adhesive discharge and removal of the article an automatic pressure compensation is guaranteed. Baker et al '405 fails to teach the metering device or valve can be sealed by an actuator. However, Baker et al '405 teaches at column 3 lines 41-51 elements of the adhesive application system including the application head with nozzle are taught in greater detail in 06/192,862 or U.S. Patent 3,826,204 or Baker '224 which teaches the valve or metering device can seal or close off the inside chamber of application head or dispensing gun via an actuator or motor which is mounted on the gun in order to prevent the continued application or dispensing of the adhesive on the substrate. Therefore, it would have been obvious to modify applicant's admitted PAT by substituting its adhesive reservoir and means for generating a pressure for adhesive application with the Baker et al '405 adhesive reservoir and means for generating pressure for adhesive application since it is known to use hot melt adhesive applicator to apply a bead of adhesive in a book binding process such as taught by Staats et al and obvious to so so for the taught advantage of the Baker et al '405 adhesive discharge system - to even out pressure variation within the dispensing step so as to increase the uniformity of the bead. Further, it have been obvious to modify applicant's admitted PAT application head with a outlet opening by providing a metering means immediately adjacent the outlet opening and such metering element or valve can be sealed by an actuator or motor since Baker et al '405 teaches using an applicator head such as in Baker et al '224 and such applicator head has a valve movable via a motor or actuator to a position to seal the applicator head and prevent further dispensing of adhesive onto the substrate. With respect to

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claims 7-8, Baker et al '405 teaches the accumulator includes means for acting on the adhesive reservoir which is pneumatic (column 6 lines 9-23). Baker et al '405 teaches a pressure cylinder and plunger/ram which acts directly on the adhesive in the adhesive reservoir. With respect to claim 10, Baker et al '405 is silent as to contact of air with adhesive as it travels from the reservoir to the outlet opening of applicator head and thereby reads on it. In any event, Baker et al '405 teaches that his adhesive dispensing system other than pressure regulator and control circuit is disclosed in greater detail 06/194,862 or U.S. Patent No. 3,826,224 or Baker '224. Baker '224 shows enclosing the entire reservoir in housing 11 thereby preventing air to come into contact with adhesive as it flows from the reservoir to the applicator heads. Therefore, it would have been obvious given the modification of applicant's PAT adhesive dispensing system with Baker '405 adhesive reservoir and means for generating pressure in the adhesive reservoir to enclose the adhesive reservoir in its entirety in a housing such as shown by Baker et al '224 thereby preventing contact of the adhesive with ambient air as it flows from the reservoir to the outlet opening. With respect to claim 3, Baker et al '405 shows in Figure 1 the outlet opening has a depth but fails to teach the size of the depth dimension of the outlet orifice. However, it would have been obvious to optimize the depth of the applicant's modified applicator head with Baker '405 metering means such that depth of the outlet orifice is within the scope of the claim for greater control of application of adhesive to the substrate by arranging the outlet of the outlet opening in close proximity to the metering means. With respect to claim 9, Baker et al '405 teaches a sensor-controlled heating cartridge for the adhesive reservoir (see column 6 lines 30-

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51). With respect to claim 4, applicant's PAT fails to teach the outlet opening is an outlet slot. However, it would have been obvious given the modification of applicant's admitted PAT as discussed above to optimize the shape of the outlet opening such that it is an outlet slot extending across the width of the slip surface dependent on desired pattern one desires to apply to the substrate.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is confusing applicant has claimed a means for generating a pressure for adhesive application and means for acting directly on the adhesive reservoir yet the originally filed specification indicates that the means for acting directly on the adhesive reservoir is the means for generating pressure for adhesive application (see page 6 lines 6-10).

Claims 2 and 5-6 are would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Any inquiry concerning this communication should be directed to Brenda Lamb at telephone number 703-308-2056. The examiner can normally be reached on Monday and Wednesday through Friday with alternate Tuesdays off.


BRENDA A. LAMB
PRIMARY EXAMINER

B. Lamb/lap

November 4, 2003